UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	Court No. 04-cv-10617-DPW
v.)	Court No. 04-cv-10617-DP w
)	
RICHARD DAY CONSTRUCTION,)	
Defendant.)	

UNITED STATES' MOTION TO COMPEL PRODUCTION OF DOCUMENTS

Pursuant to a subpoena of documents that was served on Richard Day

Construction, the United States of America petitions this Court to compel the defendant to

produce to the United States all applicable documents that were requested. As reasons therefore,
the United States sets forth the following:

- On July 1, 2004, the United States District Court entered a Default Judgment
 against Richard Day Construction (hereinafter "Richard Day") for failing to repay
 the Department of Veterans Affairs for contracted labor services and ordered
 Richard Day to pay the sum of \$17,231.84, plus interest from the date of judgment
 at the legal rate. Attached hereto as Exhibit A.
- On January 28, 2005, pursuant to Rule 45 of the Federal Rules of Civil Procedure,
 Richard Day was commanded to produce various financial documents to the
 United States by February 18, 2005. Attached hereto as Exhibit B.
- As of June 13, 2006, the United States has not received any of the requested documents.

WHEREFORE, the United States seeks to compel Richard Day Construction to produce all said documents.

Respectfully submitted, UNITED STATES OF AMERICA By its attorneys

MICHAEL J. SULLIVAN United States Attorney

By: /s/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
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Dated: June 13, 2006

CERTIFICATE OF SERVICE

Suffolk, s.s.

Boston, MA

I hereby certify that on June 13, 2006, this document was filed through the ECF system and a paper copy was sent by mail to Richard Day located in Methuen, MA, a non-registered participant.

/s/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney

RULE 7.1 CERTIFICATION

I hereby certify that I conferred with the defendant regarding the issues set forth in the above motion and attempted in good faith to resolve or narrow the issues.

/s/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney